

***Special Education Advisory Panel***  
***August 11, 2004***  
***Minutes***

**Members Present**

Deana O'Brien  
Barbara Scheidegger  
Melodie Friedebach  
Kent Kolaga  
Rebecca Largent  
Richard Staley

Shirley Woods  
Pam Walls  
Mary Kay Savage  
Tammy Arthaud  
Nan Davis  
Ray Wicks

Steve Viola  
Lynda Roberts  
Joe Sartorius  
Eric Remelius  
Pat Jackson

**Members Not Present**

Dan Colgan  
Dennis Gragg  
Trish Grassa  
Mike Hanrahan

Eileen Huth  
Cathy Meyer  
Sandra Levels  
Patti Simcosky

Dennis Von Allmen  
Joan Zavitsky

**DESE Staff Present**

Debby Parsons  
Pam Williams

**Call to Order/Introductions** – Deana O'Brien called the meeting to order at 9:15 a.m. Introductions were made.

**Approval of Minutes** - Under Formal Recommendations #6 Kent Kolaga suggested the following changes (strike through items were deleted and bolded items were added): ...Kent Kolaga indicated that he understood that the legislature makes the ~~recommendations~~ **appropriations** for funds but he ~~felt~~ **believes** that DESE has the ~~ability to assist in the funds~~ **responsibility to request needed funds**. Kent wanted to know if DESE would be willing to amend their response to this recommendation to include a statement that DESE would use this information when working on Form 5's for next year's budget. **Melodie agreed that the Division would consider this information.** Kent made a motion to consider this formal recommendation closed. Pam Walls seconded the motion. Motion passed.

Under Formal Recommendation #8 Kent suggested the words dismiss/dismissal (4 places) be changed to withdraw/withdrawal.

Kent Kolaga made a motion to approve the minutes with the above changes. Melodie seconded the motion. Motion passed.

**Formal Recommendations**

Formal Recommendation #3 – Kent Kolaga moved to table this item. Pam Walls seconded. Item was tabled.

Formal Recommendation #8 – (due process) Debby Parsons sent a document to Mike Hanrahan and Eric Remelius with the different versions of suggested questions and proposed an alternative which combined some of the questions. Debby will follow up with them and get a response. Pam Walls wanted to know if the entire monitoring subcommittee could get a copy of the information that was sent to Eric and Mike. Once Eric, Mike, and Debby come to a decision they will present it to the monitoring subcommittee for their review. The monitoring committee will then present it to the entire Panel for review.

Formal Recommendation #9 – (child complaint) Kent Kolaga moved to table this item. Pam Walls seconded. Item was tabled.

Formal Recommendation #6 – Kent Kolaga indicated that, in the minutes from the last meeting, Formal Recommendation #6 was closed. He felt that even though it was closed there needed to be more clarification. In the future, should the legislature decide to close the state board operated programs (SBOPs), the Panel would like for DESE to indicate to the legislature that the Panel wants the funding to follow the students. Melodie Friedebach indicated that, should this occur, DESE would recognize the recommendation of the Panel and share with the legislature. Melodie also indicated that the appropriation for the SBOPs will be a bit more than last year. Melodie suggested that maybe a new formal recommendation could be opened at a later date.

Melodie indicated that at the last State Board meeting there was a presentation from Missouri School for the Blind (MSB). Projected enrollment (if referrals continue as they have for the last five years) will be down. The State Board agreed to have the Division conduct a study. The Division is working on the details (how to conduct the study, review how services and supports should be delivered, etc.). Some states have a more short-term residential facility for students to learn orientation and mobility, Braille, blindness skills, etc. The child then returns to their district. Over the next year, the Division will discuss the possibility of focus groups with parents, students, etc. The Division plans to also conduct a study and focus groups for state schools for severely handicapped and Missouri School for the Deaf (MSD). The focus groups could possibly be done jointly. This will be discussed with the Blind Task Force (BTF) at their September meeting. Melodie indicated that she has talked with Carol Daniels at the Great Lakes Area Regional Resource Center (GLARRC) to do a nation wide search to see how other states have gone through a similar process.

**Public Comment Section** - Pam Walls wanted to know the process DESE uses when picking a hearing officer. Pam Williams indicated that hearing officers are selected from a list. Pam Walls wanted to know if a parent friendly person could be selected for the parent (when the parent doesn't select their own hearing officer). DESE views the people on the hearing officer list as being neutral and nonbiased. If the person filing the complaint is appointed someone that they do not like, they can withdraw and start the process over. Both the parent(s) and district are given the opportunity to pick someone (10 days). A complaint could also be filed indicating that they feel their person is not impartial.

**Focused Monitoring Overview** – Alan Coulter, Director of the National Center for Special Education Accountability Monitoring (email address [acoulter@lsuhsc.edu](mailto:acoulter@lsuhsc.edu)) provided information to the Panel regarding focused monitoring and focused accountability. He is providing technical assistance to states in the area of monitoring and accountability in special education. He indicated that as part of a recent study, it was determined that while OSEP has made improvements in its monitoring of states, more improvements are needed but not sure how this needs to happen. A hard copy of his entire presentation will be given to Melodie Friedebach and the entire work plan for Missouri will be posted on their web page at [www.monitoringcenter.lsuhs.edu](http://www.monitoringcenter.lsuhs.edu). Shirley Woods requested a hard copy of the information be sent to her. The Panel wants to review the implementation checklist after it is completed next year. The panel should look at the big picture for the entire state not individual incidents. For a profile on Missouri on achievement, diploma, post secondary education, highly qualified teachers, etc. go to [www.edtrust.org](http://www.edtrust.org).

**Lewis Discussion** – Pam Williams indicated that in response to the Lewis ruling, the Division is proposing a revision to the Part B state regulations. The revision will add Section XII to the State Plan entitled “Severely Handicapped Students and Contracted Placement Reimbursement (SHCPR).” The section will detail how the decision will be implemented by the Department. Between August 30 and September 8, 2004, the Division of Special Education will be conducting five public hearings across the state (Springfield, Cape Girardeau, Wentzville, Kansas City, and Columbia). A handout was given to the Panel that included the SELS message, public hearing locations, and the proposed regulation changes. Public comments are due to Pam Williams by September 16, 2004. The final proposed regulations will be taken to the State Board in October.

Joe Sartorius indicated that as chair he would route SELS message to the appropriate subcommittees as needed.

Shirley Woods asked how DESE is going to implement. Melodie indicated that currently DESE does not have staff to attend the IEP meetings. The Division is putting in a request for additional staff to be able to do this but will have to wait to see if it is funded. Shirley wanted to know how districts will address this concern. Melodie

indicated that districts should conduct the IEP and make placement decisions as before. This fall districts will be submitting to DESE information on students they feel qualify, then DESE will (contracting through staff) determine if the students meet the eligibility criteria. Severely handicapped does not limit a child to a particular disability group (not just MR students but all disability categories). Reimbursement will be determined based on the eligibility criteria and the LRE requirements of IDEA. This requires the state to pay 100 percent of those children that meet the requirements. Additional staff will allow DESE to fully implement what the court decision requires. The placement of the student is not what is being reviewed; it is a review of who is responsible for that child (district or the SEA). The parent and the district still can seek due process if there is a challenge to the placement. If someone has a better process for implementing this, please discuss with Melodie.

If the IEP determines that a child requires the services, they will get the services. If they qualify under the Lewis decision, they will qualify for 100% funding reimbursement. Next year if DESE gets the budgeted new staff/funds, they will be able to participate in the IEP meetings and pay for the costs at 100 percent.

### **DESE Update**

**Budget** – Dale Carlson indicated that DESE is at the beginning of 2006 budget process. Budget information is due to the Office of Administration (OA) by the first of October. Dale discussed the budget plan with the Panel.

Shirley Woods wanted to know why Missouri gave back \$4.6 million in federal dollars not expended. Melodie Friedebach indicated that special education dollars were not given back. The funds may have come from No Child Left Behind (NCLB) because some schools did not qualify for funds so were unable to expend the funds. Someone in DESE could explain this issue further if requested.

Severe Disabilities and Extraordinary Cost – Eric Remelius wanted to know which districts access the funds. Melodie indicated that a spreadsheet could be provided with this data if he wants it. It was suggested that the Panel may want to advocate for GR funds to be added to this fund. Melodie indicated that the Division could provide a history of these funds at a future meeting. Eric felt this would be helpful to look at if the Panel wants to draft a letter to send to the legislature to advocate for GR funds to be added.

**Missouri's Response to OSEP** - Handouts were email to panel members prior to the meeting. Melodie Friedebach's letter was sent to clarify the areas of noncompliance. Melodie discussed with the Panel information contained in her letter and the attached documents to the letter.

Kent indicated that he had reservations concerning DESE's response regarding interagency agreements. Melodie indicated that during the Continuous Improvement Monitoring Process (CIMP), a subcommittee looked at four interagency agreements. Those were the ones that were sent to OSEP. Of those, only one actually qualified as an interagency agreement as defined by OSEP.

Eric Remelius had six questions to ask on behalf of Deana O'Brien regarding interagency agreements. Melodie suggested that he give them to her for review and then she will send a response to Deana.

**System of Care/Shared Agenda, DMH/DESE Initiative** – Melodie Friedebach indicated that at the last Panel meeting, she handed out some information about Department of Mental Health (DMH) being the lead agency for the Mental Health, Schools, and Families Working Together: Toward a Shared Agenda in Missouri. There have been numerous meetings with other agencies, stakeholders, families, etc. Melodie indicated that the plan being developed addresses prevention, early intervention, and intervention.

**Suggested Topics for Future Panel Meetings** - Melodie suggested the following topics for future Panel meeting agendas:

- DESE's Reading First Grant (All kids by the end of grade 3 will be proficient readers as measured by MAP.)
- Closing the Gap Initiative – Is a three year project led by the Urban Education Division. They will be working with Kansas City, St. Louis, and several schools in southeast Missouri (middle and high schools in districts that will commit to this project). There will be a heavy focus on professional development activities for principals.

**State Improvement Grant (SIG)** - Joe Sartorius indicated that DESE received the SIG grant which was a competitive grant that DESE applied for and will receive \$1.3 million targeted for professional development. DESE will identify schools that have the greatest potential for improvement and will have the RPDC consultants contact the schools to see if they want to participate in a long term improvement. Mary Kay Savage indicated that MPACT will be providing training to the districts that have been targeted. Targeted districts have not been selected yet. There will be a role for parent training and for PTI. Pam Walls wanted to know with the past SIG, if districts that received a LIG, were required to develop a PAC? What about with the current SIG? Melodie will research and get back to Pam with a response.

Elementary Achievement (Mary Cory) will be included on the next agenda. Melodie suggested that the Panel analyze the data that is available and not try to go back to figure out why the data was collected, etc. As a separate item, the Panel can make suggestions for fixes in the data. The concept is that DESE is trying to improve a little at a time each year. Since there are so many issues around secondary transition it is very difficult to determine which of the strategies will make the biggest difference and which to focus on. Where is the greatest potential for improvement? Prior to the next meeting, DESE will pull together a breakdown of districts (math, communication arts) looking at special education students.

### **Subcommittee Reports**

**Evaluations Subcommittee** - The Annual Report is close to being finished. The evaluation subcommittee will review it one more time and will then send to Lina to be sent to entire panel for review/suggestions. If the panel approves it at the next meeting, it will be sent to the Publications Section in DESE for final clean up and printing. It was suggested to reduce the cost of printing that instead of printing hard copies for each of the school districts, that instead a SELS message could be sent with a link to the web page.

**Monitoring Subcommittee** – Kent Kolaga indicated that the monitoring subcommittee has reviewed information about the focused monitoring. There was some talk about bringing in stakeholder groups to review the protocols that DESE is identifying at their meeting with Alan Coulter. These protocols will be part of the onsite monitoring that will be used at a district. Melodie Friedebach indicated that the performance indicators are in the Division's monitoring standards. Send to the monitoring subcommittee the performance indicators (used when DESE monitors a district).

**Rules and Regulations** – Deana O'Brien indicated that their subcommittee had no report. Kent Kolaga suggested and it was assigned to the Rules and Regulations subcommittee to take the lead on the extraordinary cost fund and the regulation changes.

**Nominations** - Barbara Scheidegger would like to serve on the nominations subcommittee and will also serve as the chair. Barbara will review the suggested nominations. Lina Browner will send to her all of the nominations and Scott Mantooth's recommendations.

**Future Meeting Dates** – The next meeting is October 7, 2004, from 9:00 a.m.–4:00 p.m. If members want a voice in the dates of future meetings, they need to be present at the next meeting. Lina will block the next two meetings as two day meeting but can change to one day meetings if that is what is decided.

December 9-10, 2004 – NOTE: The Truman Building was not available on these dates. The Truman Building is available on December 2-3 (tentatively scheduled room 750).

February 17-18, 2005 – Tentatively scheduled Truman Building room 500.

**Adjournment** – Kent Kolaga made a motion to adjourn the meeting. Shirley Woods seconded the motion. Meeting adjourned at 2:45 p.m.

***NOTE: Working lunch was at 11:45.***